IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4421 of 2005

Between:

Gade Kamalakar, S/o. Rajakomaraiah,
C/o. Shop No.18-5-253, Kalyannagar, Chodavarikhani, Karimnagar

District.

..... PETITIONER

AND

1 Govt of A.P., rep. by its Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipatlity, Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the Shop No.18-5-253, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No.18-5-253, Kalyannagar, Godavarikhani, kaimnagar District and pass such other and further order/s as are deemed fit and proper by this Hon'ble Court.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for Respondents 2 and 3: MR.POLISETTI RADHAKRISHNA

WRIT PETITION NO : 4422 of 2005

Between:

Jakkula Ramulu S/o. Jakkula Bheemaiah
C/o. Shop No. 18-5-173, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Secretary,
Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipality,
Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipality.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the Shop No. 18-6-173, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing shop No. 18-6-173, Kalyannagar, Godavarikhani, Karimnagar District and pass such other and further order/s as are deemed fit and proper by this Hon'ble Court.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION

Counsel for the Respondent Nos.2 & 3: Mr. Polisetti Radhakrishnas.

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WRIT PETITION NO : 4423 of 2005

Between:

Jakkula Amma Odelu, S/o. Jakkula Komraiah,
C/o. Shop No. 18-6-187, Kalyannagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Represented by its Secretary,
Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipality,
Ramagundam, Karimnagar District.
3 The Sanitation Inspector, Ramagundam Municipality

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the Shop No. 18-6-187, Kalyanagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No. 18-6-187, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondents No.2 and 3: MR. P.RADHAKRISHNA, Standing Counsel

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WRIT PETITION NO : 4810 of 2005

Between:

Jakkula Seetharamanjaneya @ Jampaiah, S/o. Gattumallu,
C/o. Shop No. 18-5-294, Kalyannagar, Godavarikhani, Karimnagar District

..... PETITIONER

AND

1 Government of Andhra Pradesh, Represented by its Secretary,
Municipal Administration and Urban Development, Secretariat, Hyderabad.
2 The Commissioner, Ramagundam Municipality,
Ramagundam, Krishna District.
3 The Sanitation Inspector, Ramagundam Municipality,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in interfering in the business of the petitioner being run in the Shop No. 18-5-294, Kalyannagar, Godavarikhani, Karimnagar District without due process of law, as being illegal, arbitrary and unconstitutional besides violative of the provisions of A.P. Municipalities Act, 1965, and consequently direct the respondents not to dispossess the petitioner from the business premises bearing Shop No. 18-5-294, Kalyannagar, Godavarikhani, Karimnagar District.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION

Counsel for the Respondent Nos.2 and 3: MR.POLISETTI RADHAKRISHNA (SC FOR MUNCIPAL)

The Court at the stage of admission made the following COMMON ORDER:

The petitioners in this batch of writ petitions are the licensees to run the meat shops in the Ramagundam Municipality. The licenses granted in their favour are valid up to 31.03.2005. The Municipality had constructed a modern marketing complex for vegetables and meat by incurring an expenditure of Rs.2,40,00,000/-. The grievance of the petitioners is that the respondents are insisting on them to shift to the new market complex, even while the licenses in their favour are in force. They seek appropriate directions in this regard.

Heard the learned counsel for the petitioners and the learned standing counsel for Municipality.

To improve the public amenities, the Municipality constructed a modern marketing complex. The petitioners cannot insist that even after the construction of the market complex, they be permitted to conduct their business in other places of the town. One aspect, which, however, needs to be taken into account, is that the Municipality itself granted licenses to the petitioners, which are valid up to 31.03.2005. The licenses are not cancelled, as yet. In that view of the matter, the petitioners cannot be disabled from conducting their business in the licensed premises. If the Municipality is of the view that the business of vending meat has to be conducted only at the marketing complex, they can very well refuse to renew or grant licenses at other places. Hardly few weeks are left for expiry of the existing licenses.

For the foregoing reasons, the writ petitions are disposed of directing that respondents 2 and 3 shall not interfere with the business of the petitioners up to 31.03.2005. Thereafter, the petitioners shall not conduct the business in the said premises, unless their licenses are renewed. There shall be no order as to

costs.

10.03.2005

ksld

To

1 The Secretary, Government of Andhra Pradesh,
Municipal Administration and Urban Development, Secretariat,

Hyderabad.
2 The Commissioner, Ramagundam Municipality,
Ramagundam, Krishna District.
3 The Sanitation Inspector, Ramagundam Municipality,

4 Two CCs to the Government Pleader for Municipal Administration, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.